OGC HAS
REVIEWED.

10 May 1956

MEMORANDUM FOR: Chief, CI Staff

25X1A

ATTENTION ███████████████

SUBJECT : Communist Redefection Campaigns

1. This memorandum is written in response to a discussion you held with representatives of this Office, where you expressed a desire to obtain any thoughts we might have that would be of assistance in your campaign to combat Communist redefection attempts.

2. We have attached quotations of certain provisions of Title 18, United States Code, which (on the basis of the materials you have furnished us) we believe may be violated in specific individual cases. Conceivably, other provisions of the Code could be applicable in some instances; but these are the ones we feel most likely of application. We realize also that the evidentiary problem is difficult, and that despite our moral certainty of a violation of law in a particular instance, it might not be possible to prove the violation in a court of law, even were the violator amenable to our judicial process. No study has been made of possibly applicable state laws; in general, the laws of each state would contain comparable provisions relating to coercion, fraud and misrepresentation.

3. Realizing the difficulty of straight legal treatment of these cases, we venture to suggest that either propaganda or a request to the Department of State that a given foreign representative be declared persona non grata might well make reference to the policies which underlie these laws. These policies are of course complex, and we do not feel that we have stated them in the form that a constitutional lawyer might prefer. For your purposes, however, simplicity is probably desirable; and we believe that the statements, although not in all cases complete, are substantially correct. The suggested steps in argument from such policies might proceed somewhat as follows:

Coercion, in any form, of any person, is improper.

Fraud and misrepresentation are improper.

The use of public or Governmental media of communication in support of such improper conduct increases the impropriety.

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Under our political theories, every citizen and resident is entitled to protection from our Government, by our Government from the improper actions of other persons and, a fortiori, from the improper acts of foreign governments or their representatives.

Freedom as we know it is "a valuable thing," more valuable than material treasure. The improper conduct complained of is directed at inducing persons through coercion and misrepresentation to surrender this freedom. Actions by a representative of a foreign government contrary to our laws or their underlying policies violate the principles of mutual respect and free intercourse on the basis of which governments extend "diplomatic immunity" to a foreign representative; such actions are not part of his normal functions and violate the hospitality of the host government.

4. You will note that the above suggestions are directed to actions by Communist governments which may occur within the jurisdiction of the United States. Where such actions occur in other Western countries, we believe that one of the most effective arguments would be the last-listed above -- i.e., the abuse of the hospitality of the host government. If one can prove a violation of the law of the host government, or even raise a reasonable presumption that such has occurred, this would certainly strengthen the argument.

5. We hope that the suggestions made here may be of some small assistance to your purpose. If the line of thought suggested here is of interest to you, and if we can be of any assistance in further research or in the drafting of any documents, we would be happy to help.

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Assistant General Counsel

Enclosure:
    Quotations of certain
    provisions of Title 18,
    United States Code
    3 manila env. with Redefection material

Distribution:
        Orig. & 2 - addressee
            1 - subject W/basic
            1 - signer
            1 - OGC chrono

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